

Notice of Allowability

Application No.

10/588,569

Examiner

/Paul Ip/

Applicant(s)

MULLET ET AL.

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2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to this application filed on 8/4/2006.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 10/16/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Paul Ip
Primary Examiner
AU 2837
571-272-1941

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Claims 1-13 filed on 8/4/2006 have been considered in view of the specification and the drawings of this application with respect to the references of the record. Claims 1 and 5 recite an auto-close/blocking selector switch which, if enabled in a blocking mode, precludes the operator from receiving operational signals from any source other than the wall station. The patent to Clark et al (4,808,995) has been considered. Clark et al disclose that the transmitter contains two buttons, one to produce normal door operation and the other to set the operator into a "secure" mode wherein it will be non-responsive to further valid operating codes until reset. See the abstract. Clark et al further disclose at column 2 lines 24-32 that:

In general this is accomplished by providing a "vacation switch" which may be selectively actuated by the owner to effectively disconnect the operator controller from its power supply and, as a lesser level of security, a device, preferably actuated through the radio remote transmitter, for disabling the operator so that it no longer responds to a proper radio transmitted code, but which can be reset for normal operation without the need to gain access to the secured area.

Clark et al disclose a device preferably actuated through the radio remote transmitter for disabling the operator so that it no longer responds to a proper radio transmitted code. Whereas, claims 1 and 5 recite the wall station having "an auto-close/blocking selector switch" for selecting the auto-close and blocking functions. Patentable distinction has been considered whether Clark et al's remote "device" constitutes the wall station "auto-

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close/blocking selector switch" function, or Clark et al's remote "device" constitutes the blocking function as recited in the claims. Patentable distinct is made that the purpose of the wall station auto-close/blocking switch precludes the operator from receiving operational signals from any source other than the wall station. Since Clark et al's device is a portable radio transmitting device, it is excluded from the "receiving operational signals from any source other than the wall station" as recited in the claims. Furthermore, Clark et al fail to teach or suggest the auto-close feature incorporated with the wall station as recited in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Paul Ip/ whose telephone number is (571)-272-1941. The examiner can normally be reached on Monday to Friday from 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571)-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/Paul Ip/
Primary Examiner
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10/5/2007